

## Senate Bill No. 348

### CHAPTER 385

An act to amend Sections 52322, 52323, 52324, and 52325 of the Food and Agricultural Code, relating to agriculture, and making an appropriation therefor.

[Approved by Governor September 27, 2013. Filed with  
Secretary of State September 27, 2013.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 348, Galgiani. Agricultural seed: county seed enforcement subventions.

Existing law, the California Seed Law, provides for an optional subvention program under which a county may enter into a cooperative agreement with the Secretary of Food and Agriculture to receive an annual apportionment of funds from the secretary for maintaining a statewide compliance level on all seed within the county. Under those provisions, a county with no registered seed labelers may annually receive \$100, at the discretion of the secretary, and a county with registered seed labeler operations may annually receive a subvention based on enforcement activity generated by the registered seed labeler operations within the county and upon the performance of enforcement activities necessary to carry out the provisions of the California Seed Law. Existing law makes those provisions inoperative on July 1, 2014, and repeals those provisions on January 1, 2015.

This bill would extend the operation of these provisions until July 1, 2016, and would repeal the provisions on January 1, 2017.

Under existing law, the fees collected pursuant to the California Seed Law are continuously appropriated to the Department of Food and Agriculture to carry out its provisions.

By extending the operation of these subvention provisions, this bill would make an appropriation.

The bill would make other technical changes.

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 52322 of the Food and Agricultural Code is amended to read:

52322. The secretary shall prepare an annual statement of the operating expenditures and income related to this chapter that shall be presented to the board for review as soon as possible following the termination of any fiscal year. A copy of this statement shall be made available to any interested person upon request.

SEC. 2. Section 52323 of the Food and Agricultural Code is amended to read:

52323. (a) The department's cost of carrying out this chapter shall be funded from money that is received by the secretary pursuant to this chapter. The secretary shall also pay annually, in arrears, one hundred twenty thousand dollars (\$120,000), to counties as an annual subvention for costs incurred in the enforcement of this chapter. The department's costs of administering this chapter shall be paid before allocating funds to the counties under this section.

(b) This section shall become inoperative on July 1, 2016, and, as of January 1, 2017, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2017, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Section 52324 of the Food and Agricultural Code is amended to read:

52324. (a) The subvention program under Section 52323 is an optional program available to counties. The subvention to counties under Section 52323 shall be annually apportioned as follows:

(1) At the discretion of the secretary and upon recommendation of the Seed Advisory Board, counties with no registered seed labelers may annually receive one hundred dollars (\$100).

(2) Counties with registered seed labeler operations shall receive subventions based upon units of enforcement activity generated by the registered seed labeler operations within the county and upon the performance of enforcement activities necessary to carry out this chapter. The units of activity shall be determined by the secretary, taking into consideration the number of lots and kinds of seed labeled by each registered seed labeler operation within the county. The rate per unit of activity shall be established by dividing the total statewide units of activity into the annual funds available to the counties under Section 52323 after deducting the amount required for subventions in paragraph (1). Apportionment to individual counties shall be based upon the county's total units of activity performed multiplied by the established rate.

(b) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 4. Section 52325 of the Food and Agricultural Code is amended to read:

52325. (a) Commissioners of counties that choose to participate in the subvention program shall enter into a cooperative agreement with the secretary, whereby the commissioner agrees to maintain a statewide compliance level, determined by the secretary, on all seed within the county. The cooperative agreement shall be in effect for a five-year period. The units of activity and apportionment calculated under paragraph (2) of subdivision (a) of Section 52324 to each individual participating county shall be established annually in a memorandum of understanding between the commissioner and the secretary.

(b) The secretary, upon recommendation of the board or upon the secretary's own initiative, may withhold a portion of the funds designated to a county pursuant to paragraph (2) of subdivision (a) of Section 52324 if that county fails to meet the performance standards established by the secretary and set forth in the cooperative agreement with that county.

(c) The secretary shall provide a written justification to the board for any action taken by the secretary that does not fully implement a recommendation made by the board pursuant to subdivision (b).

(d) This section shall become inoperative on July 1, 2016, and, as of January 1, 2017, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2017, deletes or extends the dates on which it becomes inoperative and is repealed.